

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

Marlon T. Holmes, :  
Plaintiff : CIVIL ACTION NO. 3:13-1635  
v. : (MANNION, D.J.)  
(BLEWITT, M.J.)  
Daniel S. Keen, et al., :  
Defendants :

**ORDER**

For the reasons discussed in the memorandum issued this same day, **IT IS  
HEREBY ORDERED** that:

- 1) Judge Blewitt's report and recommendation, (Doc. No. [9](#)), is **ADOPTED  
IN SUBSTANTIAL PART**;
- 2) The plaintiff's claims for filing false reports against Defendants Mike Morrow and Brian Jones are **DISMISSED WITH PREJUDICE**;
- 3) Defendant Morrow is **DISMISSED WITH PREJUDICE** from this action;
- 4) The Clerk is to **TERMINATE** Defendant Morrow as a party to this action;
- 5) The plaintiff's Eighth Amendment claim for denial of adequate medical care is **DISMISSED WITH PREJUDICE**;
- 6) Defendant Doctor William Young and Warden Daniel S. Keen are **DISMISSED WITH PREJUDICE**;
- 7) The Clerk is to **TERMINATE** Defendants Young and Keen as parties to this action;

- 8) Plaintiff's claims for compensatory damages against the defendants in their official capacity are **DISMISSED WITH PREJUDICE**;
- 9) Plaintiff's claim for specific amounts of monetary damages are stricken from the complaint;
- 10) Plaintiff's claim of excessive force against Defendant Jones will proceed;
- 11) This case is **REFERRED** to Judge Blewitt for further pretrial proceedings.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: November 1, 2013**

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